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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,037	10/23/2003	John Kevin Liles	2003-0131	6442

7590 03/19/2008
Robert F. Frijouf
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201 East Davis Boulevard
Tampa, FL 33606

EXAMINER

MARSH, STEVEN M

ART UNIT	PAPER NUMBER
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3632

MAIL DATE	DELIVERY MODE
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03/19/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

This is the fifth office action for U.S. Application 10/692,037 for a Wire Support and Method of Making filed by John Kevin Liles on October 23, 2003. Claims 39, 42, and 45 are pending

Claim Rejections - 35 USC § 103

Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rieman in view of U.S. Patent 4,913,389 to McCracken. Rieman discloses a wire support with identical first and second one-piece wires (10 and 11). Each of the wires has a lower section (12 and 13), an upper section (15), and an intermediate section (between 12 and 14). The wires are twisted along the intermediate sections to form a plurality of helixes and spirally intertwined for providing an upright support, and the lower sections of the wires extend outwardly from the upright support, for insertion into the base surface to the mount the wire support. Each lower section has a lower region extending generally transverse to the upright support for enabling an operator to apply a force to the lower region, and each of the lower sections terminates in a lower distal area extending generally parallel to the upright supports, for facilitating insertion of the lower section into the base surface. The upper section of the wires extends outwardly from the upright support for engaging with the object to support the object relative to the base surface. The upper and lower ends of the intermediate section appear to have straight portions (right before the twists veer out into the upper and lower sections, respectively).

Rieman does not disclose an upper section that terminates in an upper distal area that extends generally parallel to the upright support for insertion into an object. McCracken disclose a stand configured to be driven into a surface for supporting an object relative to a surface. The stand has a lower section, an intermediate section that forms an upright support, and an upper section. The upper section has an upper region extending outwardly from the upright support and terminates in an upper distal area extending generally parallel to the upright support for supporting an object upright relative to the support surface. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided the upper section of Rieman, with portions that are parallel to the upright support as taught by McCracken, for the purpose of supporting an object upright relative to the support surface. Applicant claims limitations to the object/sheet material, but the object/sheet material is not positively recited in the claims, and therefore the limitations carry no patentable weight.

Allowable Subject Matter

Claims 39 and 42 are allowed.

Response to Arguments

Applicant's arguments filed July 16, 2007 have been fully considered but they are not persuasive. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them

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from the references. Applicant states that there was no art cited by the Examiner specifically rejecting claim 46. However, claim 46 was rejected as unpatentable over Rieman in view of McCracken.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (571) 272-6819. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.


/S. M. M./

Examiner, Art Unit 3632

Steven M. Marsh

March 12, 2008

/Korie H. Chan/
Korie H. Chan
Primary Examiner
Art Unit 3632

<i>Application Number</i> 	Application/Control No.	Applicant(s)/Patent under Reexamination	
	10/692,037	LILES, JOHN KEVIN	
	Examiner	Art Unit	
	STEVEN M. MARSH	3632	